

REMARKS/ARGUMENTS

Claims 1-23 are pending in the present application. The Examiner has rejected claims 1, 2, 12, 13, 17, and 19-23. The Examiner has objected to claims 3-11, 14-16 and 18. Applicant respectfully requests reconsideration of pending claims 1-23.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,320,500 to Barberis et al. Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited reference fail to disclose the features recited in claim 1. For example, Applicant submits the cited portions of the cited reference fail to disclose "...a plurality of distributed processors that include ingress and egress queuing points corresponding to data units communicated within the communication switch, wherein when a congestion condition exists at selected queuing points within one of the plurality of distributed processors, a congestion indication is generated..." The Examiner states, "The plurality of distributed processors is included within the delay estimator ST of Figure 1B. The distributed processors are more clearly shown in Figure 2 which shows the $n+1$ processing units (arithmetic units, summing registers, etc.) corresponding to each of the buffers of Figure 1B." The Examiner further states, "...queuing points (buffers)..." However, as the Examiner cites "buffers" as allegedly teaching "queuing points" and elements of delay estimator ST as allegedly teaching "a plurality of distributed processors," Applicant submits the cited elements of delay estimator ST fail to disclose "...that include ingress and egress queuing points..." and "...wherein when a congestion condition exists at selected queuing points within one of the plurality of distributed processors..." Thus, Applicant submits the cited portions of the cited reference fail to disclose the features recited in claim 1. Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 2, Applicant submits the cited portions of the cited reference fail to disclose the features recited in claim 2. For example, Applicant submits the cited portions of the cited reference fail to disclose "...wherein the resource routing processor performs resource allocation amongst connections supported by the switch." The Examiner cites col. 2, lines 1-8, of the cited reference as allegedly teaching such feature. However, Applicant notes the cited portion of the cited reference does not appear to refer to "...connections..." or "...resource allocation amongst connections supported by the switch." Thus, Applicant submits the cited portions of the cited reference fail to

disclose the features recited in claim 2. Therefore, Applicant submits claim 2 is in condition for allowance.

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,320,500 to Barberis et al. in view of Applicant's admitted prior art. Applicant respectfully disagrees.

Regarding claim 12, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 12. For example, Applicant submits the cited portions of the cited reference fail to render obvious "...a plurality of line cards operably coupled to the multiprocessor control block, wherein the plurality of line cards include ingress and egress queuing points for line card data units, wherein when a congestion condition exists at a queuing point within a line card, a line card congestion indication is generated and provided to the resource routing processor such that the resource routing processor selects routes at least partially based on line card congestion indications received." The Examiner acknowledges, "Barberis does not expressly disclose the limitation that the input and output buffers are implemented on separate line cards." The Examiner cites Figure 1 of the present application as indicating "the use of a plurality of line cards in a communications switch." The Examiner alleges it would have been obvious to implement the input and output buffers of Figure 1B on separate line cards and states, "The motivation for doing so would have been to allow the nodes of Barberis to have more capacity (N input/output cards can support more traffic than if all the buffers were implemented on a single card)...." However, the Examiner does not present evidence to substantiate the assertion that "(N input/output cards can support more traffic than if all the buffers were implemented on a single card)."

Moreover, Applicant notes the Examiner cited "buffers" of the cited reference as teaching "queuing points." Accordingly, Applicant submits the Examiner has not shown how "buffers" of the cited reference supposedly teach or suggest "wherein when a congestion condition exists at selected queuing points within one of the plurality of distributed processors," as recited in claim 1, from which claim 12 depends, and "...wherein when a congestion condition exists at a queuing point within a line card..." as recited in claim 12. Thus, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 12. Therefore, Applicant submits claim 12 is in condition for allowance.

The Examiner has rejected claims 17, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,253,248 to Dravida et al. in view of Applicant's admitted prior art. Applicant respectfully disagrees.

Regarding claims 17 and 19, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claims 17 and 19. For example, Applicant submits the cited portions of the cited reference fail to render obvious "...a plurality of line cards operably couple to the routing control block, wherein each of the line cards includes at least one transmit queue, wherein when congestion is detected on a transmit queue, a congestion indication is provided to the routing control block such that calls are routed away from the congestion." As another example, Applicant submits the cited portions of the cited reference fail to render obvious "detecting congestion in a transmit queue corresponding to a line card of the communication switch." The Examiner acknowledges, "Dravida does not expressly disclose the limitation that the input and output buffers are line cards." The Examiner cites Figure 1 of the present application as indicating "the use of a plurality of line cards in a communications switch." The Examiner alleges it would have been obvious to modify Dravida to implement the input and output buffers of Figure 27 on separate line cards and states, "The motivation for doing so would have been to allow the nodes of Barberis to have more capacity (N input/output cards can support more traffic than if all the buffers were implemented on a single card)..." However, the Examiner does not present evidence to substantiate the assertion that "(N input/output cards can support more traffic than if all the buffers were implemented on a single card)." Thus, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claims 17 and 19. Therefore, Applicant submits claims 17 and 19 are in condition for allowance.

Regarding claim 21, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 21. For example, Applicant submits the cited portions of the cited reference fail to render obvious "...wherein performing subsequent routing operations includes maintaining status of a plurality of transmit queues corresponding to a plurality of line cards in the switch, wherein the status is used to determine a non-congested compatible transmit queues for the subsequent routing operations." The Examiner cites col. 5, lines 42-45, of Dravida et al. as allegedly indicating such feature. However, Applicant notes Dravida et al. state, in col. 11, lines 38-43, "The output of congestion monitor 2740 controls nodal processor 2730 such that a primary route to a destination is selected from table 2750 in absence of congestion and an alternate route to a destination

is selected from table 2760 in the presence of congestion. Thus, Applicant submits the cited portion of the cited reference merely refers to selecting a primary route or an alternate route. Also, Applicant can find no reference to “performing subsequent routing operations” in the cited portion of the cited reference. Thus, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 21. Therefore, Applicant submits claim 21 is in condition for allowance.

The Examiner has rejected claims 1, 2, 12, 13, 17, and 19-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,838,677 to Kozaki et al. in view of U.S. Patent No. 5,802,040 to Park et al. Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 1. For example, Applicant submits the cited portions of the cited references fail to teach or suggest “...wherein the resource routing processor receives congestion indications and preferentially selects uncongested routes for subsequent connections within the communication switch based on the congestion indications.” The Examiner acknowledges, “Kozaki does not disclose the limitation of the resource routing processor.” The Examiner cites “(element 6 of Figure 1, see specifically element 13 of Figure 2)” of the Park reference as allegedly disclosing a “resource routing processor.” The Examiner cites “(see lines 10-16 of column 4)” of the Park reference as allegedly disclosing the features of claim 1 noted above. However, Applicant submits the Park reference teaches away from such features. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a “ROUTING REQUEST” from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, “If the routing request signal is received from the congestion controller 12,...” Furthermore, Applicant submits the Examiner does not appear, with respect to claim 1, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 1 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 1. Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 17, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 17. For example, Applicant submits the cited portions of the cited references fail to teach or suggest “...a plurality of line cards operably couple to the routing control block, wherein each of the line cards includes at least one transmit queue, wherein when congestion is

detected on a transmit queue, a congestion indication is provided to the routing control block such that calls are routed away from the congestion.” The Examiner acknowledges, “Kozaki does not disclose the limitation of the routing control block.” The Examiner cites “(element 6 of Figure 1, see specifically element 13 of Figure 2)” of the Park reference as allegedly disclosing a “routing control block.” The Examiner cites “(see lines 4-10 of column 14 and lines 7-9 of column 15)” of the Kozaki reference as allegedly disclosing other aspects of the features of claim 17 noted above. However, Applicant submits it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 17, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a “ROUTING REQUEST” from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, “If the routing request signal is received from the congestion controller 12,...” Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, “...the congestion information may be transferred to the control point only when a congestion is detected.” As the cited portion of the Kozaki reference refers to transfer of “congestion information,” and the cited portion of the Park reference refers to receiving a “routing request signal,” Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 17. Furthermore, Applicant submits the Examiner does not appear, with respect to claim 17, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 17 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 17. Therefore, Applicant submits claim 17 is in condition for allowance.

Regarding claim 19, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 19. For example, Applicant submits the cited portions of the cited references fail to teach or suggest “...providing an indication of the congestion to a central control block that performs call processing and routing for a plurality of line cards included in the communication switch, wherein the central control block performs subsequent routing operations in a manner that avoids the congestion corresponding to the line card.” The Examiner acknowledges, “Kozaki does not disclose the limitation of the central control block.” The Examiner cites “(element 6 of Figure 1, see specifically element 13 of Figure 2)” of the Park reference as allegedly disclosing a “central control block.” The Examiner cites “(see lines 4-10 of column 14 and lines 7-9 of column 15)” of the Kozaki reference as allegedly disclosing other aspects of features of claim 19 noted above.

However, Applicant submits it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 19, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a "ROUTING REQUEST" from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, "If the routing request signal is received from the congestion controller 12,..." Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, "...the congestion information may be transferred to the control point only when a congestion is detected." As the cited portion of the Kozaki reference refers to transfer of "congestion information," and the cited portion of the Park reference refers to receiving a "routing request signal," Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 19. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 19. Therefore, Applicant submits claim 19 is in condition for allowance.

Regarding claim 2, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 2. For example, Applicant submits the cited portions of the cited references fail to teach or suggest "...wherein the resource routing processor performs resource allocation amongst connections supported by the switch." The Examiner cites "(see lines 10-16 of column 4 of Park)" as allegedly disclosing the features of claim 2 noted above. However, Applicant submits it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 2, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a "ROUTING REQUEST" from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, "If the routing request signal is received from the congestion controller 12,..." Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, "...the congestion information may be transferred to the control point only when a congestion is detected." As the cited portion of the Kozaki reference refers to transfer of "congestion information," and the cited portion of the Park reference refers to receiving a "routing request signal," Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 2. Furthermore, Applicant submits the Examiner does not appear, with respect to claim 2, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 2 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited

portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 2. Therefore, Applicant submits claim 2 is in condition for allowance.

Regarding claim 12, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 12. For example, Applicant submits the cited portions of the cited references fail to teach or suggest "...a plurality of line cards operably coupled to the multiprocessor control block, wherein the plurality of line cards include ingress and egress queuing points for line card data units, wherein when a congestion condition exists at a queuing point within a line card, a line card congestion indication is generated and provided to the resource routing processor such that the resource routing processor selects routes at least partially based on line card congestion indications received." The Examiner states, "...a line card congestion indication is generated (see lines 4-10 of column 14 and lines 7-9 of column 15 of Kozaki) and provided to the resource routing processor such that the resource routing processor selects routes at least partially based on line card congestion indications received (see lines 10-16 of column 4 of Park)." However, Applicant submits it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 12, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a "ROUTING REQUEST" from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, "If the routing request signal is received from the congestion controller 12,..." Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, "...the congestion information may be transferred to the control point only when a congestion is detected." As the cited portion of the Kozaki reference refers to transfer of "congestion information," and the cited portion of the Park reference refers to receiving a "routing request signal," Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 12. Furthermore, Applicant submits the Examiner does not appear, with respect to claim 12, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 12 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 12. Therefore, Applicant submits claim 12 is in condition for allowance.

Regarding claim 13, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 13. For example, Applicant submits the cited portions of the cited

references fail to teach or suggest "...a message processor operably coupled to the multiprocessor control block and the plurality of line cards, wherein the message processor supports messaging between the plurality of intermediate processors and the plurality of line cards." The Examiner states, "the combination of Kozaki and Park used in the rejection of parent claim 12 also discloses the limitation of a message processor..." Applicant has presented arguments as to why it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 12, as Applicant submits the cited portions teach away from such combination. Likewise, Applicant submits the cited portions teach away from a combination that would allegedly render obvious claim 13. Moreover, Applicant submits the Examiner does not appear to have alleged, with respect to claim 12, any teaching or suggestion of certain features of claim 13, for example, a "plurality of intermediate processors." Furthermore, Applicant submits the Examiner does not appear, with respect to claim 13, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 13 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 13. Therefore, Applicant submits claim 13 is in condition for allowance.

Regarding claim 20, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 20. For example, Applicant submits the cited portions of the cited references fail to teach or suggest "...wherein the central control block includes a resource routing processor, a plurality of intermediate processors, and a link layer processor, wherein the resource routing processor performs the subsequent routing operations." The Examiner cites "(element 13 of Figure 2 of Park)" as allegedly teaching or suggesting "a resource routing processor," "(elements 12, 21-23, and 31-33 of Figure 2 of Park)" as allegedly teaching or suggesting "a plurality of intermediate processors," and "(element 20 and 30 of Figure 2 of Park)" as allegedly teaching or suggesting "a link layer processor." Applicant can find no mention in the cited portion of the cited reference of either element 20 or 30 being a "link layer processor." Moreover, Applicant notes element 20 is depicted as comprising elements 21-13, and element 30 is depicted as comprising elements 31-33. Thus, Applicant submits the Examiner has failed to show Figure 2 of the Park reference as teaching "...wherein the central control block includes...a plurality of intermediate processors, and a link layer processor..." Furthermore, Applicant notes the Examiner cites, with respect to base claim 19, "(element 6 of Figure 1, see specifically element 13 of Figure 2)" of the Park reference as allegedly

disclosing a “central control block.” Thus, Applicant submits the Examiner has failed to show the cited portions of the Park reference as allegedly disclosing “...wherein the central control block includes a resource routing processor, a plurality of intermediate processors, and a link layer processor....” However, Applicant submits it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 20, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a “ROUTING REQUEST” from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, “If the routing request signal is received from the congestion controller 12,...” Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, “...the congestion information may be transferred to the control point only when a congestion is detected.” As the cited portion of the Kozaki reference refers to transfer of “congestion information,” and the cited portion of the Park reference refers to receiving a “routing request signal,” Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 20. Furthermore, Applicant submits the Examiner does not appear, with respect to claim 20, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 20 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 20. Therefore, Applicant submits claim 20 is in condition for allowance.

Regarding claim 21, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 21. For example, Applicant submits the cited portions of the cited references fail to teach or suggest “...wherein performing subsequent routing operations includes maintaining status of a plurality of transmit queues corresponding to a plurality of line cards in the switch, wherein the status is used to determine a non-congested compatible transmit queues for the subsequent routing operations.” The Examiner cites “(lines 10-16 of column 4)” as allegedly disclosing the features of claim 21. The Examiner states, “The routing table represents the...status and the link being affordable suggests that it doesn’t contain a congestion status.” Applicant submits the Examiner provides no evidence to support the assertion that “The routing table represents the...status....” On the contrary, Applicant notes col. 4, lines 11-13, state, “...the routing controller 13 retrieves a routing table which is set when a system is started....” Also, the Examiner provides no evidence to support the assertion that “...the link being affordable suggests that it doesn’t contain a

congestion status.” Furthermore, Applicant submits it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 21, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a “ROUTING REQUEST” from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, “If the routing request signal is received from the congestion controller 12,...” Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, “...the congestion information may be transferred to the control point only when a congestion is detected.” As the cited portion of the Kozaki reference refers to transfer of “congestion information,” and the cited portion of the Park reference refers to receiving a “routing request signal,” Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 21. Furthermore, Applicant submits the Examiner does not appear, with respect to claim 21, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 21 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 21. Therefore, Applicant submits claim 21 is in condition for allowance.

Regarding claim 22, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 22. For example, Applicant submits the cited portions of the cited references fail to teach or suggest “...prioritizing data flow in the switch such that congestion is concentrated at the plurality of transmit queues.” The Examiner cites lines 26-33 of column 10 of the Kozaki reference as allegedly disclosing the features of claim 22. However, Applicant submits the cited portion of the Kozaki reference teaches away from the features of claim 22. Applicant notes col. 10, lines 26-33, of the Kozaki reference merely states, “In the method of this embodiment, if there is no queue in the congestion state in the switch, the cell is read from the input buffer 25 in the queue designated by the bandwidth control table 264 (if a plurality of queues are designated, the queue having the highest priority is selected). If there is a queue in the congestion state, a cell is read from the output butter [sic], which cell is not in the congestion queue among the queues designated by the bandwidth control table 264.” Applicant notes the phrase “highest priority” appears in reference to “If there is no queue in the congestion state...” and does not appear to disclose “...prioritizing data flow in the switch such that congestion is concentrated at the plurality of transmit queues.” Also, Applicant submits it would not have been obvious to combine the cited portions of the cited references to

allegedly yield the features of claim 12, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a "ROUTING REQUEST" from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, "If the routing request signal is received from the congestion controller 12,...." Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, "...the congestion information may be transferred to the control point only when a congestion is detected." As the cited portion of the Kozaki reference refers to transfer of "congestion information," and the cited portion of the Park reference refers to receiving a "routing request signal," Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 22. Furthermore, Applicant submits the Examiner does not appear, with respect to claim 22, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 22 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 22. Therefore, Applicant submits claim 22 is in condition for allowance.

Regarding claim 23, Applicant submits the cited portions of the cited reference fail to render obvious the features recited in claim 22. For example, Applicant submits the cited portions of the cited references fail to teach or suggest "...wherein the congestion in the transmit queue is a result of a buildup of messages corresponding to programming commands that are directed towards the line card." The Examiner cites buffer 38 of Figure 9 of the Kozaki reference as allegedly disclosing the features of claim 23. However, Applicant submits buffer 38 of Figure 9 of the Kozaki reference merely bears the label "BUFFER." Accordingly, Applicant can find no teaching in the cited portion of the cited reference as to buffer 38 of Figure 9 of the Kozaki reference allegedly teaching "...wherein the congestion in the transmit queue is a result of a buildup of messages corresponding to programming commands that are directed towards the line card.": Also, Applicant submits it would not have been obvious to combine the cited portions of the cited references to allegedly yield the features of claim 12, as Applicant submits the cited portions teach away from such combination. For example, Applicant notes Fig. 2 of the Park reference identifies routing controller 13 receiving a "ROUTING REQUEST" from congestion controller 12 and col. 4, lines 10 and 11, of the Park reference state, "If the routing request signal is received from the congestion controller 12,...." Applicant also notes lines 7-9 of column 15 of the Kozaki reference state, "...the congestion information may be transferred to the control point only when a congestion is detected." As the cited portion of the Kozaki reference

refers to transfer of "congestion information," and the cited portion of the Park reference refers to receiving a "routing request signal," Applicant submits the cited portions of the cited references cannot be combined to allegedly teach or suggest the features of claim 23. Furthermore, Applicant submits the Examiner does not appear, with respect to claim 23, to assert motivation to allegedly modify the purported teachings of the cited references so as to allegedly render the features of claim 23 obvious. Thus, Applicant submits the Examiner has not presented a *prima facie* showing of obviousness in accordance with MPEP § 2143. Accordingly, Applicant submits the cited portions of the cited references, either alone or in combination, fail to render obvious the features recited in claim 23. Therefore, Applicant submits claim 23 is in condition for allowance.

The Examiner has objected to claims 3-11, 14-16, and 18 as being dependent upon a rejected base claim but states they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has presented arguments for the allowability of claims from which claims 3-11, 14-16, and 18 depend. Thus, Applicant submits claims 3-11, 14-16, and 18 are also in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

03/20/2006

Date



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